

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:13-cv-8312-SVW-FFM	Date	11/24/2014
Title	N.G. et al. v. County of Los Angeles et al.		

Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE
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Paul M. Cruz

Deputy Clerk

Deborah Gackle

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Robert Scott Shtofman
Samuel O. Ogbogu
Gary Steven Casselman

Attorneys Present for Defendants:

Erin Renee Dunkerly
Tomas A. Guterres

Proceedings: PRETRIAL CONFERENCE

At the pretrial conference held on November 24, 2014, the Court raised concerns regarding Defendants' biomechanics expert Michelle Hoffman's testimony. The Court remains concerned about the reliability of Hoffman's experiment comprised of a test subject striking a mechanical head with an ASP baton ("the baton-strike experiment"). The Court is dubious of whether Hoffman can use this experiment to reliably reach conclusions regarding the decedent's state of consciousness at the time he was shot. In particular, this experiment apparently fails to account for such considerations as the exact portion of the skull on which decedent was struck, the possibility that Defendant David Chevez's training enabled him to deliver more effective blows with the baton, and the possibility that decedent had unique cranial weaknesses which made him more susceptible to injury. Defendants should be prepared for the Court to conduct a brief voir dire regarding these issues before Hoffman testifies.

Additionally, the Court would like to clarify that Hoffman may rely on the experiment

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Initials of Preparer		PMC

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whereby she jumped off a hospital bed to assert that it is possible for a person in some circumstance to jump off such a bed with their left wrist handcuffed to the railing. She may not rely on this experiment to opine that it was possible for someone in the decedent's circumstance with his characteristics to do so.

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